

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2014-146533-001 SE

08/06/2015

JUDGE PRO TEM CYNTHIA L. GIALKETSIS

CLERK OF THE COURT
K. DeSanna
Deputy

STATE OF ARIZONA

KELLY S NEAL

v.

JAMES WILLIS GATES (001)
DOB: 08/03/1972

ERU MESA PUBLIC DEFENDER

APO-SENTENCE IMPRISON-SE
APPEALS-CCC
AZ DOC
DISPOSITION CLERK-CSC
RFR

SENTENCE OF IMPRISONMENT

9:45 a.m.

Courtroom SEF 201

State's Attorney:	Stephen Walker
Defendant's Attorney:	Eugene Barnes
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 1: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

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OFFENSE: Count 1 AS AMENDED - POSSESSION OR USE OF DANGEROUS
DRUGS

Class 4 FELONY WITH ONE PRIOR HISTORICAL FELONY CONVICTION

A.R.S. § 13-3401, 13-3407, 13-3413, 13-3416, 13-3418, 13-105, 13-105.22, 13-610, 13-
701, 13-702, 13-703, 13-801, 13-901.01(B), 13-901.01(H)(4)

Date of Offense: on or about 09/23/2014

Non Dangerous - Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment
and is committed to the Arizona Department of Corrections as follows:

Count 1: 4 year(s) from 08/06/2015

Presentence Incarceration Credit: 21 day(s)

Slightly Mitigated

Pursuant to A.R.S. § 13-703 or 13-704, the Court finds that the Defendant has been
convicted of the following prior felony offenses:

POSSESSION OF DRUG PARAPHERNALIA, a class 6 NON DANGEROUS felony
committed on 08/24/2010 and convicted on 04/04/2012 in CR2010-144002-001 in Maricopa
County Superior Court.

The Defendant was represented by counsel.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

FINE: Count 1 - Total amount of \$1830.00, which includes surcharges of 83%.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

Count 1: PROBATION SURCHARGE: \$20.00.

PENALTY ASSESSMENT - A.R.S. § 12-116.04: Count 1 - \$13.00.

Investigative Agency:

Phoenix Police Department

Count 1: Technical Registration Fund in the amount of \$15.00.

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The Arizona Department of Corrections shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforesponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count 1 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. 13-610.

IT IS ORDERED granting the Motion to Dismiss the following: Count 2 and MCAO agrees not to file the allegation of additional felony convictions pursuant to ARS 13-703.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

9:52 a.m. Matter concludes.

IT IS ORDERED that defense counsel shall preserve defendant's file for post-conviction relief purposes. If defense counsel receives notice that defendant is seeking post-conviction relief, counsel shall prepare the file for delivery to PCR counsel and shall make timely arrangements for the exchange thereof when notified. Further, upon exchange of the file, defense counsel shall file with the court a Notice of Compliance that shall, at a minimum, include date of compliance, recipient of the file, and an itemization of contents of the file. A copy of the Notice shall be provided to PCR counsel, the State and the PCR Unit.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ JUDGE PRO TEM CYNTHIA L. GIALKETSIS
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)